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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 * * *

11 DAVID AGUILAR,

12 Plaintiffs,

13 V.

14 J. TAFELMEYER, et al.,

15 Defendant(s).
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Case No.: 3:23-cv-00547-ART-CSD

**PLAINTIFF'S MOTION TO COMPEL
THE NEVADA DEPARTMENT OF
CORRECTIONS TO ALLOW
CONTINUING ZOOM VISITS**

20 COME NOW Plaintiff DAVID AGUILAR, by and through his undersigned counsel,
21 and respectfully moves this Court to issue an order compelling the Nevada Department
22 of Corrections (NDOC) to permit continuing Zoom video visits between Plaintiff and his
23 counsel for the duration of this litigation. This motion is supported by the following
24 memorandum of points and authorities, the attached Exhibit 1 (email correspondence),
25 and all pleadings and papers on file in this matter.
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff David Aguilar, an inmate at the Northern Nevada Correctional Center (NNCC), is represented by undersigned counsel in the above-captioned matter. Effective communication between Plaintiff and his counsel is essential to ensure Plaintiff's constitutional right to access the courts and to pursue his claims in this litigation. While NDOC has previously allowed a Zoom visit on February 17, 2025, as a one-time accommodation (Exhibit 1, p. 3), it has stated that all future attorney-client visits must be conducted in person unless a court order or parole board interview requires otherwise (*Id.*). Plaintiff seeks an order compelling NDOC to permit continuing Zoom video visits, as such visits are necessary due to counsel's time constraints, the need to share and review documents with Plaintiff, and the undue financial burden imposed by NNCC's telephone system. The minimal burden on NDOC is significantly outweighed by Plaintiff's need for effective and efficient communication with his counsel.

II. FACTUAL BACKGROUND

Plaintiff is incarcerated at NNCC and is represented by counsel. On February 5, 2025, counsel requested an attorney-client visit with Plaintiff, initially seeking an in-person meeting but later inquiring about the possibility of a Zoom video visit (Exhibit 1, pp. 1, 3). On February 12, 2025, Denicka Angeles, Administrative Assistant II at NNCC, informed counsel that Zoom calls are permitted only if stated in a court order or for parole board interviews but allowed a one-time Zoom visit on February 17, 2025, due to a holiday (Exhibit 1, p. 3).

1 On June 21, 2025, counsel attempted to schedule another Zoom visit with
2 Plaintiff for June 26, 2025, but received no response from Ms. Angeles (Exhibit 1, p. 4).
3 A follow-up email on June 25, 2025, also went unanswered, prompting counsel to seek
4 assistance from Deputy Attorney General Mark Hackmann, who inquired with Ms.
5 Angeles about accommodating the request (Id.). The lack of response underscores the
6 difficulty in arranging timely communication with Plaintiff under NDOC's current
7 restrictions.
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9 This litigation requires frequent and detailed communication between Plaintiff
10 and counsel, including the review of discovery documents, interrogatory responses
11 (see Motion re Zoom Visits.pdf, p. 1), and other case-related materials. The distance
12 between counsel's office in Reno and NNCC in Carson City, combined with counsel's
13 professional obligations, makes in-person visits time-prohibitive. Moreover, the
14 undersigned believes that NNCC's telephone system imposes significant costs on
15 Plaintiff, which Zoom visits would avoid while providing a superior means of
16 communication through document-sharing capabilities.
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18 III. STANDARD 19

20 The Court has inherent authority to issue orders necessary to manage litigation
21 and ensure access to justice. See *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991).
22 Incarcerated plaintiffs have a constitutional right to meaningful access to the courts,
23 which includes the ability to communicate effectively with counsel. See *Lewis v. Casey*,
24 518 U.S. 343, 350-51 (1996). Courts may order correctional facilities to provide
25 reasonable accommodations to facilitate attorney-client communication, particularly
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1 when alternative methods impose undue burdens or are inadequate. See, e.g., *Casey v.*
2 *Lewis*, 4 F.3d 1516, 1520 (9th Cir. 1993).

3 IV. ARGUMENT

4 Counsel's office is located in Reno, Nevada, approximately 30 miles from NNCC
5 in Carson City. The round-trip drive, including travel time, parking, and security
6 processing at NNCC, consumes at least two to three hours per visit, excluding the time
7 spent meeting with Plaintiff. As a solo practitioner with multiple clients and court
8 obligations, counsel faces significant time constraints that make frequent in-person
9 visits to NNCC impracticable. Zoom visits eliminate travel time, allowing counsel to
10 meet with Plaintiff more frequently and efficiently, thereby ensuring timely case
11 preparation and compliance with court deadlines.
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14 B. Zoom Visits Are Essential for Sharing and Reviewing Documents

15 This litigation involves complex discovery, including interrogatories, document
16 production, and other materials that Plaintiff must review with counsel to make
17 informed decisions. Zoom's screen-sharing functionality allows counsel to display
18 documents in real-time, ensuring that Plaintiff can read, discuss, and provide input on
19 case materials during the visit. In-person visits, while feasible, require counsel to
20 transport physical copies of documents, which may be voluminous, and do not allow
21 for dynamic interaction with digital files. NNCC's telephone system lacks any
22 document-sharing capability, rendering it wholly inadequate for this purpose.
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25 The prior Zoom visit on February 17, 2025, demonstrates NDOC's ability to
26 facilitate such calls (Exhibit 1, p. 3). Continuing Zoom visits would enable counsel to
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1 efficiently share and review critical documents, such as the interrogatory responses
2 received in June 2025, without the logistical challenges of in-person meetings.

3 NDOC's stated policy limits Zoom visits to court-ordered or parole-related
4 matters (Exhibit 1, p. 3). However, NDOC has already demonstrated its capacity to
5 accommodate Zoom visits, as evidenced by the February 17, 2025, call. The
6 administrative burden of scheduling and facilitating a Zoom call—requiring only a
7 secure internet connection, a device, and minimal staff supervision—is negligible
8 compared to the burden of arranging in-person visits, which involve security
9 screenings, staff escorts, and dedicated meeting spaces.
10

11 Plaintiff's constitutional right to access the courts and communicate with
12 counsel far outweighs any minor inconvenience to NDOC. Denying Zoom visits risks
13 hindering Plaintiff's ability to participate meaningfully in his case, potentially violating
14 his due process rights. The Court should order NDOC to permit continuing Zoom visits
15 to ensure Plaintiff's access to justice.
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17 Ounel believes NNCC's telephone system imposes significant per-minute costs
18 on inmates, which Plaintiff, as an incarcerated individual with limited financial
19 resources, must bear. These costs accrue rapidly during attorney-client calls,
20 particularly when discussing complex legal matters that require extended
21 conversations. Zoom visits, in contrast, incur no cost to Plaintiff and provide a superior
22 platform for communication through video and document-sharing capabilities.
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24 Forcing Plaintiff to rely on the telephone system places an unnecessary financial
25 burden on him, especially when NDOC has the infrastructure to support Zoom visits, as
26 shown by the February 2025 accommodation (Exhibit 1, p. 3). Equity and fairness
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1 dictate that Plaintiff should not be penalized for his indigence or incarceration when a
2 cost-free, effective alternative exists.

3 The delay in NDOC's response to counsel's request for a Zoom visit
4 demonstrates the need for a designated point of contact to streamline scheduling and
5 ensure timely communication. Requiring NDOC to respond to visit requests within one
6 business day will prevent delays that could prejudice Plaintiff's ability to pursue his
7 claims, consistent with his constitutional right to access the courts. See *Lewis v.*
8 *Casey*, 518 U.S. at 350-51.
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10 V. CONCLUSION

11 For the foregoing reasons, Plaintiff respectfully requests that this Court order the
12 Nevada Department of Corrections to designate a point of contact to arrange Zoom
13 video visits for attorney-client communications in this case and to respond to such
14 requests within one business day, ensuring timely and effective access to the courts as
15 required by *Lewis v. Casey*, 518 U.S. 343, 350-51 (1996).
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17 Dated: Jun 27, 2025

18
19 By: /s/ Luke Busby, Esq.
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25 *Attorney for the Plaintiff*
26

CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing by:

_____ personally delivering;

_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

 x delivery via electronic means (fax, eflex, NEF, etc.) to:

Mark Hackmann, Esq.
100 N. Carson St.
Carson City, NV 89701
813-340-1181
Email: mhackmann@ag.nv.gov

Dated: Jun 27, 2025

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